

REMARKS/ARGUMENTS

In view of the foregoing amendments and the following remarks, the applicants respectfully submit that the pending claims comply with 35 U.S.C. § 112, comply with 35 U.S.C. § 101 and are not anticipated under 35 U.S.C. § 102. Accordingly, it is believed that this application is in condition for allowance. **If, however, the Examiner believes that there are any unresolved issues, or believes that some or all of the claims are not in condition for allowance, the applicants respectfully request that the Examiner contact the undersigned to schedule a telephone Examiner Interview before issuing any further action on the merits.**

The applicants will now address each of the issues raised in the outstanding Office Action. Before doing so, however, both the undersigned and Darren Kang would like to thank Examiner Retta for courtesies extended during a telephone interview on August 12, 2009 (referred to as "the telephone interview"). The telephone interview is summarized here.

Telephone Interview Summary

This statement of the substance of the Interview summarizes the issues discussed during the August 12, 2009 telephone interview. This Interview Summary is presented in the format suggested in MPEP § 713.04 by the Patent Office.

Date of Interview: August 12, 2009

Type of Interview: Telephone

Name of Participants:

- **Examiner:** Yehdega RETTA
- **For Applicants:** John C. POKOTYLO
Darren KANG

A. Exhibit(s) Shown: None

B. Claims discussed: 17 and 25

C. References Discussed:

- U.S. Patent No. 6,421,675
("the Ryan patent")

D. Proposed Amendments discussed:

- Amendments to claim 17 were discussed to clarify the claimed invention and address the Examiner's concerns.

**E. Discussion of General Thrust
of the Principal Arguments:**

- The applicants' representatives described the claimed invention, their understanding of the teachings of the Ryan patent, and differences between the claimed invention and the teachings of the cited reference.

F. Other Pertinent Matters Discussed:

- None

G. General Results/Outcome of Interview:

- Examiner Retta stated that upon receipt and review of the amended set of claims, a further search may be warranted.

Rejections under 35 U.S.C. § 101

Claims 1-32 (the applicants believe claims 1-31 were intended) are rejected under 35 U.S.C. § 101 because the Examiner contends that the claimed invention is directed to non-statutory subject matter.

First, since claims 1-6, 25 and 32 have been canceled, this ground of rejection is rendered moot with respect to these claims. Further, the applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection in view of the claim amendments.

Claims 32-72 are rejected under 35 U.S.C. § 101 because of the Examiner's contention that the claimed invention is directed to non-statutory subject matter.

First, since claims 32-47 and 66 have been canceled, this ground of rejection is rendered moot with respect to these claims. Further, the applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection in view of the claim amendments.

Rejections under 35 U.S.C. § 112

Claims 4-8, 12-16, 28-31, 45-49, 53-57 and 69-72 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicants regard as the invention. Specifically, the Examiner raises the following issues:

It is unclear how the act of using the accepted document or the act of obtaining the term or phrase uses information[.] [H]ow can an information store aggregated association[?]. It is unclear what the relationship is between the act of accepting or obtaining and the information. It is also unclear [what] if [any, the] applicant means by 'information which stores aggregated association of search query information to selected documents'. Claim 5 also recites wherein the act of providing includes populating keyword targeting information of the ad. It is unclear if the populating of keyword is additional step or is part of the providing keyword or term. If it is part of the providing, it is unclear how the act of providing can do the population.

(Paper No. 20090424, pages 3 and 4) The applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection in view of the following.

First, the applicants have amended the claims based on the discussions during the telephone interview.

Further, since claims 4-6 and 45-47 have been canceled, this ground of rejection is rendered moot with respect to these claims. In addition, the applicants have amended claims (e.g., claims 12 and 53) to clarify the term **aggregated association** and address the Examiner's concern. Furthermore, regarding the claims which recite that the act of **providing includes populating**, the applicants respectfully submit that one skilled in the art would understand that an exemplary

embodiment may populate ad information by providing a keyword or term, particularly in light of paragraph [0076] of the specification. Thus, the applicants respectfully request that the Examiner reconsider claims 7-8, 12-16, 28-31, 48, 49, 53-57 and 69-72 in view of the claim amendments and above remarks.

Rejections under 35 U.S.C. § 102

Claims 1-72 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,421,675 ("the Ryan patent"). The applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection in view of the following.

Before addressing at least some of the patentable features of various claims, some advantages in suggesting advertisement information to advertisers in embodiments consistent with the claimed invention are first introduced.

In online advertising, "[s]ome advertisers may find entering and/or maintaining keyword targeting information difficult, or at least tedious." (Paragraph [0005] of the specification) Thus, embodiments consistent with the claimed invention "help advertisers by providing them with targeting information, such as targeting keywords for example" or "by providing them with ad creative information, such as terms for inclusion in the content of the creative for example." (Id., Paragraphs [0006] and [0007])

Having introduced some exemplary embodiments consistent with the claimed invention, at least some

patentable features of the claimed invention are now discussed.

First, since claims 1-6, 25, 32-47 and 66 have been canceled, this ground of rejection is rendered moot with respect to these claims. Further, the claimed invention has been clarified by amendments to independent claims 9, 17, 50 and 58 as discussed during the telephone interview. As amended, independent claim 9 is not anticipated by the Ryan patent at least because the Ryan patent does not teach (1) **providing**, by the computer system, **the obtained at least one** of the (A) one or more terms and (B) one or more phrases (which were obtained, for example, by aggregating search query information which led to a user selection of the ad's linked "landing page") **as ad information stored in association with an ad**, wherein the ad has a landing page document, and wherein the **landing page document belongs to a domain identified by the domain identifier**, and (2) controlling, by the computer system, a serving of the ad using the at least one of the (A) one or more terms and (B) one or more phrases, stored in association with the ad as the **targeting information**, in combination with the other features of claim 9.

In rejecting claim 9, the Examiner merely cites FIGS. 15-23 of the Ryan patent as teaching the aforementioned features. (See Paper No. 20090424, pages 4 and 5.) The Ryan patent generally concerns "an internet search engine database [that updates] with the results of a user's selection of specific web page lists from ... initial keyword search entry." (Column 2, lines 27-31 of the Ryan patent) The device in the Ryan patent presents the "most popular web page listings in a

subsequent search using the same keyword search entry" to users. (Id., column 2, lines 32-36) The Examiner contends that "presenting first the most popular web page listings" to users (Abstract of the Ryan patent) discloses the claimed act of providing ad information to advertisers. In doing so, the Examiner ignores the claimed phrase "ad information for an[] ad", alleging it "is just the intended use of the term or phrase." (Paper No. 20090424, page 5) The claims have been amended such that the stored term or phrase cannot be ignored as an "intended use." Further, a **search engine user** is different from an **advertiser**.

Applicants have amended claim 9 to clarify that the term(s) and/or phrase(s) (obtained using the accepted domain identifier) are **(1) provided as ad information stored in association with an ad**, wherein the ad has a landing page document, and wherein the **landing page document belongs to a domain identified by the domain identifier**, and those term(s) and/or phrase(s) stored in association with the ad are used to **(2) control a serving of the ad as the targeting information**. By contrast, FIG. 19 cited by the Examiner indicates that the "[u]ser selects keyword (662)" and the "[u]ser is taken to results of selected keyword (664)". This does not teach the aforementioned features.

Thus, the Ryan patent fails to teach the aforementioned features and independent claim 9 is not anticipated by the Ryan patent for at least the foregoing reason. Independent claims 17, 50 and 58, as amended, are similarly not anticipated by the Ryan patent. Since claims 10-14 directly or indirectly depend from claim 9, since claims 18-24 and 26-31 directly or indirectly

depend from claim 17, since claims 51-55 directly or indirectly depend from claim 50 and since claims 59-65 and 67-72 directly or indirectly depend from claim 58, these claims are similarly not anticipated by the Ryan patent.

Further, since claims 7 and 8 have been amended to depend from new claim 73 (discussed below), since claims 15 and 16 have been amended to depend from new claim 74 (discussed below), since claims 48 and 49 have been amended to depend from new claim 75 (discussed below) and since claims 56 and 57 have been amended to depend from new claim 76 (discussed below), the rejection of these claims under the Ryan patent is rendered moot.

New claims

New independent claims 73-76 are supported by original claims 9, 17, 50 and 58, and paragraphs [0007], [0009] and [0062] of the specification. These claims are not anticipated by the Ryan patent because the Ryan patent does not disclose (1) obtaining, (A) one or more terms and/or (B) one or more phrases, using an accepted document (or domain) identifier, (2) providing the obtained (A) term(s) and/or phrase(s) as ad information stored in association with an ad, wherein the ad has a landing page document, and wherein the landing page document corresponds to a document identified by the document (or domain) identifier, (3) **generating creative information of the ad using the obtained term(s) and/or phrase(s) as content of the ad**, and (4) serving the generated creative information of the ad, in combination with the other claim features.

Conclusion

In view of the foregoing amendments and remarks, the applicants respectfully submit that the pending claims are in condition for allowance. Accordingly, the applicants request that the Examiner pass this application to issue.

Any arguments made in this amendment pertain **only** to the specific aspects of the invention **claimed**. Any claim amendments or cancellations, and any arguments, are made **without prejudice to, or disclaimer of**, the applicants' right to seek patent protection of any unclaimed (e.g., narrower, broader, different) subject matter, such as by way of a continuation or divisional patent application for example.

Since the applicants' remarks, amendments, and/or filings with respect to the Examiner's objections and/or rejections are sufficient to overcome these objections and/or rejections, the applicants' silence as to assertions by the Examiner in the Office Action and/or to certain facts or conclusions that may be implied by objections and/or rejections in the Office Action (such as, for example, whether a reference constitutes prior art, whether references have been properly combined or modified, whether dependent claims are separately patentable, etc.) is not a concession by the applicants that such assertions and/or implications are accurate, and that all requirements for an objection and/or a rejection have been met. Thus, the applicants reserve the right to analyze and dispute any such assertions and implications in the future.

September 8, 2009

Respectfully submitted,

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper (and any accompanying paper(s)) is being facsimile transmitted to the United States Patent Office on the date shown below.

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John C. Pokotylo
Signature

September 8, 2009

Date